C.S. 1002

(4)

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)
WRIT PETITION NO. 1799 /2004

PETITIONER: : Mohan lal Gandan S/o Phirtu aged about 33 years R/o Village Ganekera, Tehsil Basna, Distt. Mahasamund, (C.G.)

VERSUS

RESPONDENTS:

1. State of Chhattisgarh Through the Secretary, Department of Revenue, D.K.S. Building, Raipur (C.G.)
2. The Collector, Mahasamund, Dist. Mahasamund. (C.G.)
3. The Nayab Tahsildar, Teh. Basna Dist. Mahasamund (C.G.)
4. Pirati Ram S/o Ghasiram aged about 32 years, Korwar R/o Village Ganekera Tahsil Basna Distt. Mahasamund (C.G.)

P.R. No. 1683/04
Presented by Shri F.S. Ichhan
dated 22-6-04

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

(56)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. 1799/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13.7.2004 Petitioner by Shri F. S. Khare, Advocate. Respondents No. 1 to 3 by Shri Anand Kumar Tiwari, Panel Lawyer. Heard. The petitioner has preferred this petition under Article 226/227 of the Constitution of India challenging the revenue entries Annexure P/16 made by the Naib Tehsildar in favour of the Respondent No.4 (Pirsati Ram). It is mentioned in the petition that the Respondent No.3 allotted a peace of land admeasuring 17.12 acres to the Respondent No.4 as 'Seva Bhoomi' because he has been appointed as Kotwar. The case of the petitioner is that father and ancestors of the petitioner were appointed as Kotwar by the Ex Malgujar and proprietor before abolition of the proprietary rights Act 1950 and 17.12 acres land was given to them by the then Malgujar. As per the provisions of this Act they became 'Bhoomi Swami' of the said land and being legal heir the petitioner has acquired the Bhoomi swami rights by way of succession. Therefore the Respondent No.3 was not entitled to allot said land to the Respondent No.4 and make entries in the revenue records about the said land as 'Seva Bhoomi'. Further case of the petitioner is that in view of the provisions of Sections 168, 169 read with section 185 of the Land Revenue Code, 1959 the petitioner has acquired rights of occupancy tenant and by the operation of law he has become Bhumi Swami of the aforesaid land given to his father and ancestors by the then Malgujar and	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

57

आदेश पत्रक

W.P. No. 1799/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

proprietor. The petitioner was in possession of the said land from his father's time. On the basis of the false information the Respondent No.4 obtained the land.

It has not been mentioned in the entire petition that the petitioner had ever moved before the competent authority for conferring right of Bhoomi Swami on him. Therefore, in the first instance the petitioner should move before the competent authority for conferring right of Bhoomi Swami over the land in dispute in accordance with law and thereafter, if required, to pursue the remedy which may be available to him under the law.

In view of the above, this petition is disposed of finally with liberty to the petitioner to approach to the competent authority in accordance with law.

In view of the above order I.A. No. 4253/2004 stands disposed of.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये